

11
4/23/01
MAY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CALVIN WILLIAM ROTH, JR., : CIVIL ACTION NO. 1:CV-00-1831

Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,
et al.

(Judge Rambo)

FILED
HARRISBURG, PA

Respondents

APR 23 2001

MARY E. D'ANDREA, CLERK
Per ME Deputy Clerk

ORDER

Before the court is a petition for writ of habeas corpus filed under 28 U.S.C. § 2254 by Calvin William Roth Jr., an inmate currently incarcerated at the State Correctional Institution at Houtzdale, Pennsylvania. The petition was accompanied by a motion to proceed in forma pauperis.

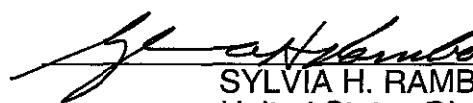
A report from Roth's inmate commissary, or trust fund, account supplied by prison officials shows that in the six months before he filed the complaint an amount in excess of \$556.00 was deposited into Petitioner's prison account. His present balance is \$ 31.54. Additionally, he receives an average monthly wage of \$57.81 from institutional employment.

Federal law requires the petitioner in a habeas corpus action to pay a filing fee of \$ 5.00. 28 U.S.C. § 1914(a). The court has determined that Roth has sufficient resources to pay the entire amount. Accordingly, Petitioner will be directed to respond to this order in one of the four manners described below within twenty (20) days. If he fails to respond to this order within twenty (20) days, his motion to proceed in forma pauperis will be denied and his action will be dismissed.

IT IS THEREFORE ORDERED THAT:

1. Within twenty (20) days of the date of this order, Petitioner must send to "Clerk, U.S. District Court, P.O. Box 1148, Scranton, PA 18501," either:
 - a. A check or money order in the amount of \$5.00 payable to "Clerk, U.S. District Court"; if this fee is received, the prisoner's motion to proceed in forma pauperis will be denied as moot and service of the petition will be ordered.
 - b. A written request for a reasonable extension of time in which to make the payment.
 - c. A written explanation demonstrating that he lacks access to sufficient funds to make the payment; the prisoner's explanation should include a statement of the source of the funds deposited in his trust fund, or commissary, account in the preceding six months and reasons for the withdrawals, or
 - d. A written description of special circumstances which he believes warrant excusing him from paying the fee as indicated above.
2. If Petitioner fails to respond to this order within 20 days, his motion to proceed in forma pauperis will be denied and his action will be dismissed.

4/23/01



SYLVIA H. RAMBO
United States District Judge

SR:jvw

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

April 23, 2001

Re: 1:00-cv-01831 Roth v. Commonwealth of PA

True and correct copies of the attached were mailed by the clerk to the following:

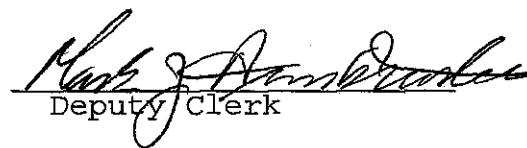
Calvin William Roth
SCI-HOUTZDALE
CY-1623
P.O.Box 1000
Houtzdale, PA 16698-1000

CC:

Judge	(X)	(X) Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other	()	

MARY E. D'ANDREA, Clerk

DATE: April 23rd, 2001

BY: 
Deputy Clerk